

TITLE 8 IMPACT FEES

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CHAPTER 8-1 GENERAL PROVISIONS

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8-1-101. TITLE, PURPOSE, AND ADMINISTRATION.

- (1) This Title 8 shall be known as the "Impact Fee Ordinance," and may be referred to herein as "this Ordinance."
- (2) This Ordinance is intended to ensure timely construction of major public capital improvements that are necessary to serve new development by ensuring that necessary financing is available for such improvements. The impact fees to be paid by each new development pursuant to this Ordinance are to be proportional to the impact that the new development will have on the types of facilities for which the fees are charged.
- (3) The City official with primary responsibility for administering this Ordinance is referred to herein as the Impact Fee Administrator. The Impact Fee Administrator shall be designated by the City Manager. The Impact Fee Administrator may delegate authority conferred by this Ordinance to other appropriate City staff.

(Ord. No. 97-30 Enacted 07/01/1997)

8-1-102. APPLICABILITY.

- (1) Until any impact fee required by this Ordinance has been paid in full, no building permit, electrical permit, certificate of compliance, certificate of occupancy, or other permit subsequent to development plan approval for any development shall be issued. A stop work order shall be issued on any development for which the applicable impact fee has not been paid in full.
- (2) Park impact fees shall apply only to new residential development.
- (3) The movement of a structure onto a lot shall be considered development and shall be subject to the impact fee provisions, unless otherwise provided herein.
- (4) Impact fees for mobile home parks and recreational vehicle parks shall be assessed for the entire development, based on the number of mobile home/recreational vehicle spaces created, at the time of application for the first building or electrical permit for the development. No

additional impact fees shall be assessed on subsequent building or electrical permits in the mobile home/recreational vehicle park unless additional spaces are created.

- (5) The impact fee provisions shall not apply to the following actions:
- Placing on a lot a temporary construction trailer or office, but only for the life of the building permit issued for the construction served by the trailer or office; and
 - Any development, including, but not limited to, the mere subdivision of land, installation of utilities, or the use of land for limited recreational, agricultural, filling, or dredging purposes, which, in the opinion of the Impact Fee Administrator, will not result in a significant, measurable impact on facilities covered by impact fees.

(Ord. No. 97-30 Enacted 07/01/1997)

8-1-103. SERVICE AREAS.

- (1) The following impact fee service areas are hereby established:
- For the purpose of drainage impact fees, the service areas shall be the drainage basins identified in Exhibit 1, "Drainage Impact Fee Service Areas," which is incorporated herein by reference.
 - For the purpose of park impact fees, the service area shall be all of the incorporated area of the City.
 - For the purpose of road impact fees, the service area shall be all of the incorporated area of the City.
 - For the purpose of fire impact fees, the service area shall be all of the incorporated area of the City.
 - For the purpose of police impact fees, the service area shall be all of the incorporated area of the City.
- (2) Impact fees shall be assessed only on development located within the service area.
- (3) Impact fees collected within a service area shall be spent within the same service area.
- (4) The appropriateness of the designation and boundaries of the service areas shall be reviewed annually by the City as part of the annual impact fee revision process set forth in Section 8-1-114, "Updates and Revisions of the Impact Fees." Following such review and a public hearing, the service areas may be amended.

(Ord. No. 97-30 Enacted 07/01/1997)

8-1-104. CALCULATION OF IMPACT FEES BASED ON FEE SCHEDULE.

- (1) Unless an applicant requests an individual assessment as set forth in the following subsection, the impact fees shall be calculated for the proposed development based on the applicable fee schedule, less any applicable offsets pursuant to Section 8-1-110.
- (2) The following impact fee schedules, found in Chapter 1-2 of the City Code, have been adopted by the City Council and are incorporated herein by reference:
- Drainage Impact Fee Schedule
 - Park Impact Fee Schedule
 - Road Impact Fee Schedule
 - Fire Impact Fee Schedule
 - Police Impact Fee Schedule
- (3) The land uses specified in the impact fee schedules shall be interpreted as follows:

- a. "Single-Family Detached" shall be defined as the use of a lot for one dwelling unit, not attached to any other dwelling unit.
 - b. "Duplex" shall be defined as "Dwelling, Two-Family," which is defined in Section 7-1-103(57).
 - c. "Mobile Home Park" shall be defined as a development activity involving the leasing of sites for the temporary placement of mobile homes and/or recreational vehicles.
 - d. "Multi-Family" shall include any dwelling unit that does not fit the definition of Single-Family Detached, Duplex, or Mobile Home Park.
 - e. Nonresidential land uses in the Road Impact Fee Schedule and the Police Impact Fee Schedule shall be defined according to the descriptions of land uses in the most current edition of Trip Generation, published by the Institute of Transportation Engineers, provided that retail uses not separately identified shall be classified in the shopping center category, and institutional uses not separately identified shall be classified in the general office category.
- (4) The units of development specified in the fee schedule shall be interpreted as follows:
- a. A dwelling shall be interpreted as "dwelling unit," as defined in Section 7-1-103(62), provided that it shall also be interpreted as the creation of a new mobile home or recreational vehicle space in a mobile home park.
 - b. Building square footage shall be measured in terms of gross floor area, measured from the outside surfaces of the building walls.
- (5) For categories of uses not specified in the applicable impact fee schedule, the Impact Fee Administrator shall apply the category of use set forth in the applicable fee schedule that is deemed to be most similar to the proposed use.
- (6) If the development approval or permit for the proposed development indicates a mix of uses in the development, the impact fees shall be calculated separately for each use according to the fee schedule, and the results aggregated.
- (7) For an addition to or remodeling or replacement of existing structures, or for a change of use of an existing structure, the impact fee to be paid shall be the difference, if any, between:
- a. The fee that would be payable for existing development on the site, or, in the case of demolition or removal of a structure, the previous development on the site, provided that the demolition or removal has occurred within one year of the date of submittal of the application for which impact fees are assessed; and
 - b. The fee that would be payable for the total development on the site after the new development.
- (8) Upon written request of an applicant, the Impact Fee Administrator shall provide an estimate of the current fee based on the data provided by the applicant. However, the Impact Fee Administrator shall not be responsible for determining at such preliminary date the accuracy of the information provided, nor shall such estimate provide any vested rights.

(Ord. No. 97-30 Enacted 07/01/1997; Ord. No. 98-59, Amended, 08/11/1998)

8-1-105. INDIVIDUAL ASSESSMENT OF IMPACT FEES.

- (1) If any person submitting an application for which payment of an impact fee is a prerequisite to approval believes that the impacts of the proposed development will be substantially less than would be indicated by using the fee schedule, such person may request to perform an individual assessment of the impact of the proposed development. A request for an individual assessment must be made prior to payment of fees for a building permit or final plat approval, as applicable.

- (2) The individual assessment shall be subject to the following special standards and procedures:
 - a. Drainage Impact Fees: As set forth in Section 8-2-102;
 - b. Park Impact Fees: As set forth in Section 8-3-102;
 - c. Road Impact Fees: As set forth in Section 8-4-102;
 - d. Fire Impact Fees: As set forth in Section 8-5-102; and
 - e. Police Impact Fees: As set forth in Section 8-6-102.
- (3) If the Impact Fee Administrator accepts the computations of the individual assessment under this section, the applicable fee shall be determined from the individual assessment.

(Ord. No. 97-30 Enacted 07/01/1997)

8-1-106. COLLECTION OF IMPACT FEES.

- (1) Except as set forth in subsection (2), the impact fees for all new development shall be calculated in conjunction with the application for the first building permit for the development, or application for any other permit or approval for development that is subject to impact fees, if a building permit is not required for that development. No permit or approval will issue until all impact fees are paid in full or are accounted for by agreement with the City, as set forth in Section 8-1-111.
- (2) For drainage impact fees, the impact fees shall be calculated at the time of application for plat approval. Final plat approval will not issue until drainage fees are paid in full or are accounted for by agreement with the City, as set forth in Section 8-1-111.

(Ord. No. 97-30 Enacted 07/01/1997)

8-1-107. FUND ACCOUNTING FOR IMPACT FEES.

- (1) The City shall establish a separate accounting fund in which the impact fees collected for a particular type of facility within the service area shall be credited. Such fees shall be invested by the City, and the yield on such fees, at the actual rate of return to the City, shall be credited to such accounting fund periodically in accordance with the accounting policies of the City. Such funds need not be segregated from other City monies for banking purposes.
- (2) Any yield on such accounting fund into which the fees are deposited shall accrue to that fund and shall be used for the purposes specified for such fund.
- (3) The City shall maintain and keep financial records for such accounting fund showing the revenues to such fund and the disbursements from such fund, in accordance with normal City accounting practices. The records of such fund shall be open to public inspection in the same manner as other financial records of the City.

(Ord. No. 97-30 Enacted 07/01/1997)

8-1-108. EXPENDITURE OF IMPACT FEES.

Impact fees may only be spent on qualifying system improvements, as follows:

- (1) Drainage Impact Fees: As set forth in Section 8-2-103;
- (2) Park Impact Fees: As set forth in Section 8-3-103;
- (3) Road Impact Fees: As set forth in Section 8-4-103;
- (4) Fire Impact Fees: As set forth in Section 8-5-103; and

- (5) Police Impact Fees: As set forth in Section 8-6-103.

(Ord. No. 97-30 Enacted 07/01/1997)

8-1-109. REFUNDS OF IMPACT FEES.

- (1) Except as provided in subsection (2) below, any impact fee or portion thereof collected pursuant to this Ordinance, which has not been expended or encumbered for a use permitted by Section 8-1-108, "Expenditure of Impact Fees," within six years from the date on which it was received by the City, shall be refunded to the current record owner of the property upon written application. Impact fees shall be deemed to be expended or encumbered in the refund shall include accrued interest at the rate of return on investments earned by the City on such amount. In disbursing such funds, the City may rely on the written certification of the current record owner of the property as to his entitlement to the refund, in the absence of a written assertion by another party that such proposed payee is not the proper payee. If in doubt, the City may deposit such funds in an appropriate court for disposition as the court may determine. In such event, the City may deduct from the funds deposited an amount equal to the reasonable cost of causing the funds to be deposited with the court, including reasonable attorney's fees.
- (2) The City may hold the fees for longer than six years if it identifies in writing:
 - a. An extraordinary and compelling reason why the fees should be held longer than six years; and
 - b. An absolute date by which the fees will be expended.
- (3) If development for which an impact fee has been paid has not begun, and the impact fee paid has not been spent or encumbered, the impact fee and any accrued interest thereon shall be returned to the applicant, provided that the applicant applies for the refund in writing within 30 days after the expiration of the building permit or other approval (or any extension thereof) on which it was assessed. If the impact fees have been spent or encumbered prior to the date of application for a refund, the property for which the fee was paid shall be eligible for an impact fee credit, pursuant to the provision of Section 8-1-110, "Offsets to Impact Fees."
- (4) The City shall charge an administrative fee, for verifying and computing refunds, of three percent (3%) of the amount of the refund.

(Ord. No. 97-30 Enacted 07/01/1997)

8-1-110. OFFSETS TO IMPACT FEES.

Offsets, which are reductions from the impact fee that would otherwise be due from a development, shall be subject to the following provisions.

- (1) An offset shall be granted for qualifying improvements, as defined in Section 8-1-108, "Expenditure of Impact Fees," that are required to be made by a developer as a condition of development approval.
- (2) Offsets shall be allowable and payable only to offset impact fees otherwise due for the same category of improvements, and shall not result in reimbursement from, nor constitute a liability of, the City.
- (3) Offsets shall be given only for the value of any construction of improvements or contribution or dedication of land or money by a developer or his predecessor in title or interest for qualifying improvements of the same category for which an impact fee was imposed.

- (4) The person applying for an offset shall be responsible for providing appraisals of land and improvements, construction cost figures, and documentation of all contributions and dedications necessary to the computation of the offset claimed. The Impact Fee Administrator shall have no obligation to grant offsets to any person who cannot provide such documentation in such form as the Impact Fee Administrator may reasonably require.
- (5) The value of land dedicated or donated shall be based on the appraised land value of the parent parcel (which land value is based on the date of transfer of ownership to the City), as determined by a certified appraiser who was selected and paid for by the applicant and who used generally accepted appraisal techniques. If the City disagrees with the appraised value, the City may engage another appraiser at the City's expense, and the value shall be an amount equal to the average of the two appraisals. If either party rejects the average of the two appraisals, a third appraisal shall be obtained, with the cost of such third appraisal being shared equally by the property owner and the City. The third appraiser shall be selected by the first two appraisers, and the third appraisal shall be binding on both parties.
- (6) Offsets provided for qualifying improvements meeting the requirements of this section shall be valid from the date of approval until six years after the date of approval, or until the last date of construction within the project, whichever occurs first.
- (7) The right to claim offsets shall run with the land and may be claimed only by owners of property within the development for which the qualifying improvement was required.
- (8) Any claim for offsets must be made no later than the time of payment of building permit fees or payment for another permit subsequent to development plan approval that is subject to impact fees. Any claim not so made shall be deemed waived.

(Ord. No. 97-30 Enacted 07/01/1997)

8-1-111. DEVELOPER AGREEMENTS FOR IMPACT FEES.

- (1) Where a development includes or requires a qualifying improvement, as defined in Section 8-1-108, "Expenditure of Impact Fees," the City and the developer may agree in writing to have the developer participate in the financing or construction of part or all of the qualifying improvements. Such agreement may provide for cash reimbursements, offsets, or other appropriate compensation to the developer for the developer's participation in the financing and/or construction of the improvements.
- (2) The agreement shall include:
 - a. The estimated cost of the qualifying improvements, using the lowest responsive bid by a qualified bidder, which bid is approved by the Impact Fee Administrator; or, if no bid is available, the estimated cost certified by a licensed engineer and approved by the Impact Fee Administrator;
 - b. A schedule for initiation and completion of the improvement;
 - c. A requirement that the improvement be designed and completed in compliance with any applicable City ordinances; and
 - d. Such other terms and conditions as deemed necessary by the City.

(Ord. No. 97-30 Enacted 07/01/1997)

8-1-112. RELIEF PROCEDURES AND HEARINGS.

- (1) A developer who owes or has paid an impact fee may appeal the validity of the assessment or payment of the fee to the Impact Fee Administrator. The appeal must be filed within 30 days of the date that payment is due. The Impact Fee Administrator shall issue a written decision on the appeal within 30 days of the date the appeal was filed.
- (2) The developer may appeal the decision of the Impact Fee Administrator to the City Council within 30 days after the Impact Fee Administrator's decision. Any fees that are owed pursuant to the Impact Fee Administrator's decision must be paid prior to appeal to the City Council.
- (3) The City Council shall conduct a public hearing on the appeal. The hearing shall be recorded. The Council's decision shall be made within 30 days of the date the appeal is filed.
- (4) A developer may appeal the final decision of the City Council by filing a petition with the district court, pursuant to Section 11-36-401(5) of the Utah Code.

(Ord. No. 97-30 Enacted 07/01/1997; Ord. No. 09-24 Amended 07/29/2009)

8-1-113. IMPACT FEE AS SUPPLEMENTAL REGULATION TO OTHER FINANCING METHODS.

- (1) Except as herein otherwise provided, impact fees are in addition to any other requirements, taxes, fees, or assessments imposed by the City on development or the issuance of building permits or certificates of occupancy which are imposed on and due against property within the jurisdiction of the City. Impact fees are intended to be consistent with the City's General Plan, Capital Improvements Program, Land Development Code, and other City policies, ordinances, and resolutions by which the City seeks to ensure the provision of capital facilities in conjunction with development.
- (2) In addition to the use of impact fees, the City may finance qualifying capital improvements through the issuance of bonds, the formation of assessment districts, or any other authorized mechanism, in such manner and subject to such limitations as may be provided by law.

(Ord. No. 97-30 Enacted 07/01/1997)

8-1-114. UPDATES AND REVISIONS OF THE IMPACT FEES.

- (1) Before adopting the revised Capital Facilities Plan, the City shall give public notice of the plan, make a copy of the plan available to the public at least 14 days before the date of the public hearing, and hold a public hearing to hear public comment on the plan.
- (2) Following adoption of the revised Capital Facilities Plan, the City may adopt a revised impact fee enactment ordinance. The City shall give public notice and make a copy of the enactment available to the public at least 14 days before the date of the public hearing.
- (3) The City shall comply with the notice requirements of, and receive the protections of, §11-36-202 of the Utah Code.

(Ord. No. 97-30 Enacted 07/01/1997; Ord. No. 04-30 Amended 06/15/2004)

CHAPTER 8-2 DRAINAGE IMPACT FEES

Sections:

- 8-2-101. Drainage Impact Fee Schedule.
- 8-2-102. Individual Assessments of Drainage Impact Fees.
- 8-2-103. Use of Drainage Impact Fees.

8-2-101. DRAINAGE IMPACT FEE SCHEDULE.

At the option of the applicant, the drainage impact fee may be calculated based on the adopted Drainage Impact Fee Schedule set forth in Chapter 1-2, less any applicable offsets pursuant to Section 8-1-110. The fee shall be calculated by multiplying the fee per acre for the drainage basin in which the project is located by the gross acreage of the development, including any land to be dedicated to the public for street right-of-way or other purposes.

(Ord. No. 97-30 Enacted 07/01/1997)

8-2-102. INDIVIDUAL ASSESSMENTS OF DRAINAGE IMPACT FEES.

- (1) The individual assessment shall be prepared by a qualified engineer or engineering firm.
- (2) The study shall be signed by the engineer submitting the assessment and shall include sufficient information and analysis to support the claim that the proposed development will have less impact on the need for drainage improvements than indicated by the Drainage Impact Fee Schedule. In the event that the proposed development may discharge runoff directly into state or county systems, the development may be exempt from the payment of drainage impact fees, pursuant to the provisions of Section 18-1-108, "Use of State or County Flood Control Facilities."
- (3) The Impact Fee Administrator shall determine the fee based on the review of the independent assessment and the guidelines described in the preceding Section 8-2-101, "Drainage Impact Fee Schedule."

(Ord. No. 97-30 Enacted 07/01/1997)

8-2-103. USE OF DRAINAGE IMPACT FEES.

- (1) The revenues from drainage impact fees collected within the service area and accrued interest on such revenues shall be used to finance project costs of qualifying drainage improvements located within the same service area.
- (2) Qualifying drainage improvements are limited to capital improvements with a useful life of ten years or more that are identified in the adopted Capital Facilities Plan for Drainage Impact Fees.
- (3) Drainage impact fee revenues may be used only for improvements that expand the capacity of the City's storm water drainage system to accommodate additional storm water runoff. Drainage impact fee revenues may also be used to pay the principal, interest, and other financing costs of bonds, notes, or other obligations issued by or in behalf of the City to finance qualifying improvements, or to reimburse developers who have constructed qualifying improvements and have a reimbursement agreement with the City.
- (4) Monies collected as drainage impact fees shall not be used to pay for any of the following:

- a. Construction, acquisition, or expansion of public facilities other than qualifying drainage improvements; or
- b. Replacement, repair, operation, or maintenance of existing drainage facilities or capital equipment.

(Ord. No. 97-30 Enacted 07/01/1997)

CHAPTER 8-3 PARK IMPACT FEES

Sections:

- 8-3-101. Park Impact Fee Schedule.
- 8-3-102. Individual Assessments of Park Impact Fees.
- 8-3-103. Use of Park Impact Fees.

8-3-101. PARK IMPACT FEE SCHEDULE.

At the option of the applicant, the park impact fee may be calculated based on the adopted Park Impact Fee Schedule set forth in Chapter 1-2, less any applicable offsets pursuant to Section 8-1-110.

(Ord. No. 97-30 Enacted 07/01/1997)

8-3-102 INDIVIDUAL ASSESSMENTS OF PARK IMPACT FEES.

- (1) The individual assessment shall include, without limitation, the data sources and calculations used to derive the expected average persons per unit for the type of dwelling units proposed. The impact fee per dwelling unit shall be calculated according to the following formula:
Fee = persons per unit x net cost per person, where "persons per unit" is the average number of persons residing in occupied dwelling units of the proposed housing type, adjusted by the average occupancy rate for the proposed housing type. "Net cost per person" shall be as identified in the adopted Capital Facilities Plan.
- (2) The Impact Fee Administrator shall determine the fee based on the review of the independent assessment and the guidelines and formula described in the preceding Section 8-3-102(2).

(Ord. No. 97-30 Enacted 07/01/1997)

8-3-103. USE OF PARK IMPACT FEES.

- (1) The revenues from park impact fees collected within the service area and accrued interest on such revenues shall be used to finance project costs of qualifying park improvements located within the same service area.
- (2) Qualifying park improvements are limited to capital improvements with a useful life of ten years or more that are identified in the adopted Capital Facilities Plan for park impact fees.
- (3) Park impact fee revenues may be used to pay for acquisition of park sites; park site development costs, including grading, utilities, landscaping, lighting, fencing, signage, and construction of parking facilities; acquisition, construction, and installation of park facilities and equipment; or other similar improvements, including the principal, interest, and other financing costs of bonds, notes, or other obligations issued by or in behalf of the City to finance qualifying improvements.
- (4) Monies collected as park impact fees shall not be used to pay for any of the following:
 - a. Construction, acquisition, or expansion of public facilities other than qualifying park improvements; or
 - b. Replacement, repair, operation, or maintenance of existing park facilities or capital equipment.

(Ord. No. 97-30 Enacted 07/01/1997)

CHAPTER 8-4 ROAD IMPACT FEES

Sections:

- 8-4-101. Road Impact Fee Schedule.
- 8-4-102. Individual Assessments of Road Impact Fees.
- 8-4-103. Use of Road Impact Fees.

8-4-101. ROAD IMPACT FEE SCHEDULE.

At the option of the applicant, the road impact fee may be calculated based on the adopted Road Impact Fee Schedule set forth in Consolidated Fee Schedule, Chapter 1-2 of the West Valley City Municipal Code, less any applicable offsets pursuant to Section 8-1-110. The Impact Fee Administrator shall determine the land use category in the fee schedule that best represents the proposed use in terms of travel demand characteristics.

(Ord. No. 97-30 Enacted 07/01/1997; Ord. No. 06-03 Amended 01/17/2006)

8-4-102. INDIVIDUAL ASSESSMENTS OF ROAD IMPACT FEES.

- (1) The individual assessment shall be prepared by a qualified traffic engineer or engineering firm.
- (2) The traffic study shall be signed by the traffic engineer submitting the assessment and shall include, without limitation, the following elements:
 - a. A projection of the number of vehicular trips entering and departing from the project during the evening peak hour on an average weekday.
 - b. If the site is already developed, and some or all of the existing development will be replaced by the completed project, a calculation of the number of vehicular trips for that portion of the existing development that will be replaced by the completed project.
 - c. The percentage of those trips identified in (a) and (b) above that are "primary trips" (as opposed to "pass-by trips" or "diverted-link trips" for which the project is not the primary destination).
 - d. The average length of those trips on the City's major roadway system.
 - e. The assumptions and conclusions from which any projections are made. If the assumptions or conclusions are derived from the current edition of the ITE manual or other standard reference materials, the materials shall be identified, and appropriate excerpts or specific references provided. Otherwise, the reasoning underlying the assumptions and conclusions shall be clearly stated in writing.
 - f. Such other information as the Impact Fee Administrator shall reasonably request.
- (3) The Impact Fee Administrator shall determine the fee based on the review of the independent assessment and the guidelines and the following formula:
Fee = one-way peak-hour trips (PHT) X primary trip factor X average trip length X net cost per peak-hour travel mile, where "one-way peak-hour trips" means one-half the evening peak-hour trip ends on a weekday, "primary trip factor" means the percentage of peak-hour trips to or from the development that are primary trips as opposed to pass-by or diverted-link trips, and "average trip length" means the average distance per one-way peak-hour trip traveled on the City's major roadway system. "Net cost per peak-hour travel mile" shall be as identified in the adopted Consolidated Fee Schedule.

(Ord. No. 97-30 Enacted 07/01/1997; Ord. No. 06-03 Amended 01/17/2006)

8-4-103. USE OF ROAD IMPACT FEES.

- (1) The revenues from road impact fees collected within the service area and accrued interest on such revenues shall be used to finance costs of qualifying major roadway improvements located within the same service area.
- (2) Qualifying road improvements are limited to improvements to the City's major roadway system that are shown on the adopted Capital Facilities Plan for road impact fees.
- (3) The City's major roadway system consists of all City-maintained roadways or portions thereof that are classified as arterials, major collectors, or minor collectors shown on the recommended roadway classification map in the City's adopted Transportation Master Plan.
- (4) Road impact fee revenues may be used to reimburse a developer for improvements to the City's major roadway system as set forth in a developer agreement, regardless of whether the improvement is listed in the Capital Facilities Plan.
- (5) Qualifying improvement costs include project engineering costs; the acquisition cost of rights-of-way and easements; the construction cost of improvements, including, but not limited to, street travel lanes, sidewalks, turning lanes, lighting, signalization, signage, and landscaping improvements that are required for the roadway improvement to function effectively; and the principal, interest, and other financing costs of bonds, notes, or other obligations issued by or in behalf of the City to finance qualifying improvements.
- (6) Monies collected as road impact fees shall not be used to pay for any of the following:
 - a. Construction, acquisition, or expansion of public facilities other than qualifying road improvements;
 - b. Road improvements, such as acceleration or deceleration lanes, that primarily serve, or are needed to mitigate the impacts of, an individual development; or
 - c. Replacement, repair, operation, or maintenance of existing streets.

(Ord. No. 97-30 Enacted 07/01/1997)

CHAPTER 8-5 FIRE IMPACT FEES

Sections:

- 8-5-101. Fire Impact Fee Schedule.
- 8-5-102. Individual Assessments of Fire Impact Fees.
- 8-5-103. Use of Fire Impact Fees.

8-5-101. FIRE IMPACT FEE SCHEDULE.

At the option of the applicant, the fire impact fee may be calculated based on the adopted Fire Impact Fee Schedule set forth in Chapter 1-2, less any applicable offsets pursuant to Section 8-1-110. The Impact Fee Administrator shall determine the land use category in the fee schedule that best represents the proposed use in terms of fire service demand characteristics.

(Ord. No. 97-30 Enacted 07/01/1997)

8-5-102. INDIVIDUAL ASSESSMENTS OF FIRE IMPACT FEES.

- (1) The individual assessment for a residential use shall include, without limitation, the data sources and calculations used to derive the average persons per unit for the type of dwelling units proposed. The impact fee per dwelling unit shall be calculated according to the following formula:
Fee = persons per unit X occupancy factor X net cost per functional population, where "persons per unit" is the average number of persons residing in occupied dwelling units of the proposed housing type, adjusted by the average occupancy rate for the proposed housing type.
"Occupancy factor" shall be 0.50, as identified in the adopted Capital Facilities Plan. Net Cost per Functional Population shall be as identified in the adopted Capital Facilities Plan.
- (2) The individual assessment for a nonresidential use shall include, without limitation, the following elements:
 - a. A projection of the number of vehicular trips entering and departing from the project during an average weekday.
 - b. The average number of persons occupying vehicles entering the project.
 - c. The average number of hours spent by employees and visitors at the site during an average weekday.
 - d. Once the appropriate land use, trip generation, and other factors have been determined, the impact fee shall be calculated using the following formula:
Fee = functional population/1,000 sf X net cost per functional population, where "functional population/1,000 sf" equals "employee hours/1,000 sf" plus "visitor hours/1,000 sf" divided by 16 hours/day. "Employee hours/1,000 sf" equals employees/1,000 sf times 10 hours/day; "visitor hours/1,000 sf" equals visitors/1,000 sf times 1 hour/visit; "visitors/1,000 sf" equals weekday ADT/1,000 sf times average vehicle occupancy minus employees/1,000 sf; "weekday ADT/1,000 sf" equals one-way average daily trips (total trip ends divided by 2). "Net cost per functional population" shall be as identified in the adopted Capital Facilities Plan.
 - e. The assumptions and conclusions from which any projections are made. If the assumptions or conclusions are derived from the current edition of the ITE manual or

other standard reference materials, the materials shall be identified, and appropriate excerpts or specific references provided. Otherwise, the reasoning underlying the assumptions and conclusions shall be clearly stated in writing.

- f. Such other information as the Impact Fee Administrator shall reasonably request.
- (3) The Impact Fee Administrator shall determine the fee based on the review of the independent assessment and the guidelines and formulae described in the preceding Section 8-5-101, "Fire Impact Fee Schedule," and Sections 8-5-102(1) and (2) above.

(Ord. No. 97-30 Enacted 07/01/1997)

8-5-103. USE OF FIRE IMPACT FEES.

- (1) The revenues from fire impact fees collected within the service area and accrued interest on such revenues shall be used to finance project costs of qualifying fire improvements located within the same service area.
- (2) Qualifying fire improvements are limited to capital improvements with a useful life of ten years or more that are identified in the adopted Capital Facilities Plan for fire impact fees.
- (3) Fire impact fee revenues may be used to pay for the acquisition or construction of buildings and associated land used to house the City's fire and emergency medical service equipment and personnel, including the principal, interest, and other financing costs of bonds, notes, or other obligations issued by or in behalf of the City to finance qualifying improvements.
- (4) Monies collected as fire impact fees shall not be used to pay for any of the following:
 - a. Construction, acquisition, or expansion of public facilities other than qualifying fire improvements; or
 - b. Replacement, repair, operation, or maintenance of existing fire facilities or capital equipment.

(Ord. No. 97-30 Enacted 07/01/1997)

CHAPTER 8-6 POLICE IMPACT FEES

Sections:

- 8-6-101. Police Impact Fee Schedule.
- 8-6-102. Individual Assessments of Police Impact Fees.
- 8-6-103. Use of Police Impact Fees.

8-6-101. POLICE IMPACT FEE SCHEDULE.

At the option of the applicant, the police impact fee may be calculated based on the adopted Police Impact Fee Schedule set forth in Chapter 1-2, less any applicable offsets pursuant to Section 8-1-110. The Impact Fee Administrator shall determine the land use category in the fee schedule that best represents the proposed use in terms of functional population characteristics.

(Ord. No. 97-30 Enacted 07/01/1997)

8-6-102. INDIVIDUAL ASSESSMENTS OF POLICE IMPACT FEES.

- (1) The individual assessment for a residential use shall include, without limitation, the data sources and calculations used to derive the average persons per unit for the type of dwelling units proposed. The impact fee per dwelling unit shall be calculated according to the following formula:
Fee = persons per unit X occupancy factor X net cost per functional population, where "persons per unit" is the average number of persons residing in occupied dwelling units of the proposed housing type, adjusted by the average occupancy rate for the proposed housing type.
"Occupancy factor" shall be 0.50, as identified in the adopted Capital Facilities Plan. "Net cost per functional population" shall be as identified in the adopted Capital Facilities Plan.
- (2) The individual assessment for a nonresidential use shall include, without limitation, the following elements:
 - (a) A projection of the number of vehicular trips entering and departing from the project during an average weekday.
 - (b) The average number of persons occupying vehicles entering the project.
 - (c) The average number of hours spent by employees and visitors at the site during an average weekday.
 - (d) Once the appropriate land use, trip generation, and other factors have been determined, the impact fee shall be calculated using the following formula:
Fee = functional population/1,000 sf X net cost per functional population, where "functional population/1,000 sf" equals employee hours/1,000 sf plus visitor hours/1,000 sf divided by 16 hours/day. "Employee hours/1,000 sf" equals employees/1,000 sf times 10 hrs/day; "visitor hours/1,000 sf" equals visitors/1,000 sf times 1 hour/visit; "visitors/1,000 sf" equals weekday ADT/1,000 sf times average vehicle occupancy minus employees/1,000 sf; "weekday ADT/1,000 sf" equals one-way average daily trips (total trip ends divided by 2). "Net cost per functional population" shall be as identified in the adopted Capital Facilities Plan.
 - (e) The assumptions and conclusions from which any projections are made. If the assumptions or conclusions are derived from the current edition of the ITE manual

or other standard reference materials, the materials shall be identified, and appropriate excerpts or specific references provided. Otherwise, the reasoning underlying the assumptions and conclusions shall be clearly stated in writing.

- (f) Such other information as the Impact Fee Administrator shall reasonably request.
- (3) The Impact Fee Administrator shall determine the fee based on the review of the independent assessment and the guidelines and formulae described in the preceding Section 8-5-101, "Police Impact Fee Schedule," and Sections 8-5-102(1) and (2) above.

(Ord. No. 97-30 Enacted 07/01/1997)

8-6-103. USE OF POLICE IMPACT FEES.

- (1) The revenues from police impact fees collected within the service area and accrued interest on such revenues shall be used to finance project costs of qualifying police improvements located within the same service area.
- (2) Qualifying police improvements are limited to capital improvements with a useful life of ten years or more that are identified in the adopted Capital Facilities Plan for police impact fees.
- (3) Police impact fee revenues may be used to pay for the acquisition or construction of buildings and associated land used to house the City's police personnel and equipment, including the principal, interest, and other financing costs of bonds, notes, or other obligations issued by or in behalf of the City to finance qualifying improvements.
- (4) Monies collected as police impact fees shall not be used to pay for any of the following:
 - a. Construction, acquisition, or expansion of public facilities other than qualifying police improvements; or
 - b. Replacement, repair, operation, or maintenance of existing police facilities or capital equipment.

(Ord. No. 97-30 Enacted 07/01/1997)

The map displays the Salt Lake County area with various regions and their corresponding colors. The regions are labeled as follows:

- Lee Creek (Light Green)
- Lake Park (Light Yellow)
- Decker (Light Orange)
- Riter (Light Green)
- Brighton (Red)
- Redwood (Dark Brown)
- Jordan (Yellow)
- Hercules (Light Green)
- Westridge (Dark Green)
- Copper City (Light Green)
- Oquirrh Shadows (Dark Green)
- Utah Salt Lake (Dark Brown)
- Taylorville (Dark Blue)

The map is overlaid with a grid of latitude and longitude coordinates. The latitude coordinates range from 40°N to 42°N, and the longitude coordinates range from 111°W to 113°W.